



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 19, 1995

Mr. Riley J. Simpson  
City Attorney  
City of Copperas Cove  
P.O. Drawer 1449  
Copperas Cove, Texas 76522

OR95-1478

Dear Mr. Simpson:

You ask whether certain information is subject to required public disclosure pursuant to chapter 552 of the Government Code. Your request was assigned ID# 34797.

The city of Copperas Cove (the "city") received an open records request for the job descriptions, the job postings, and the appointment process for police captain, and all documents, including transcripts, reflecting the educational background of the chief of police and a named police captain. You have submitted for our review several letters and documents related to this request. You inform us that you have released information pertaining to the job descriptions and any process set out in writing for selecting a police captain. While you do not set out specifically the documents that you contend are excepted from required public disclosure, we assume your argument is that the educational information requested is located in police department personnel files and may not be released except pursuant to section 143.089(f) of the Local Government Code. Additionally, you contend that the educational transcripts are excepted from required disclosure pursuant to section 552.102 of the Government Code.

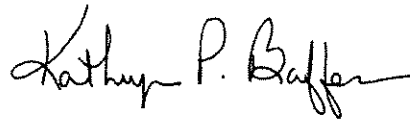
Chapter 143 of the Local Government Code applies only to municipalities that have met certain criteria. *See* Local Gov't Code § 143.002. We find no indication that the city has met the section 143.002 criteria. Consequently, section 143.089 does not apply to this request for information.

Additionally, you contend that section 552.102(b) excepts the educational transcripts from required public disclosure. Section 502.102(b) excepts from required disclosure only portions of educational transcripts maintained in the personnel files of professional school employees. Since the governmental employees related to this request for information are not public school employees, section 552.102(b) is inapplicable to this request for information.

We also note that the public has a legitimate interest in the job qualifications, including the college transcripts, of its employees. *See* Open Records Decision No. 157 (1977). Additionally, the information contained on an educational transcript is not the type of information protected by constitutional or common-law privacy. *See Industrial Foundation v. Texas Industrial Accident Board*, 540 S.W.2d 668 (Tex. 1976); *Hubert v. Harte-Hanks Texas Newspapers, Inc.*, 652 S.W.2d 546, 550 (Tex. App.--Austin 1983, writ ref'd n.r.e.). Consequently, the educational transcripts are not protected from required public disclosure by sections 552.101 or 552.102(a) of the Government Code. You must release the educational records of the chief of police and the captain that you possess.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kathryn P. Baffes  
Assistant Attorney General  
Open Records Division

KPB/rho

Ref: ID# 34797

Enclosures: Submitted documents

cc: Mr. Edward T. Isenberg  
2901 Deer Flat Drive  
Copperas Cove, Texas 76522  
(w/o enclosures)